

AMENDED IN SENATE APRIL 21, 2014

SENATE BILL

No. 1365

Introduced by Senator Padilla

February 21, 2014

An act to amend ~~Section~~ *Sections 14027 and 14029* of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1365, as amended, Padilla. California Voting Rights Act of 2001.

Existing law, the California Voting Rights Act of 2001 (CVRA), prohibits the use of an at-large election in a political subdivision if it would impair the ability of a protected class, as defined, to elect candidates of its choice or otherwise influence the outcome of an election. The CVRA provides that a voter who is a member of a protected class may bring an action in superior court to enforce the provisions of the CVRA, and, if the voter prevails in the case, he or she may be awarded reasonable litigation costs and attorney's fees. *The CVRA requires a court to implement appropriate remedies, including the imposition of district-based elections, that are tailored to remedy a violation of the act.*

This bill would also prohibit the use of a district-based election in a political subdivision if it would impair the ability of a protected class, as defined, to elect candidates of its choice or otherwise influence the outcome of an election. *The bill would require a court to implement specified remedies upon a finding that a district-based election was imposed or applied in a manner that impaired the ability of a protected class to elect candidates of its choice or otherwise influence the outcome of an election.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14027 of the Elections Code is amended
2 to read:

3 14027. (a) An at-large method of election ~~or a district-based~~
4 ~~election~~ shall not be imposed or applied in a manner that impairs
5 the ability of a protected class to elect candidates of its choice or
6 its ability to influence the outcome of an election, as a result of
7 the dilution or the abridgment of the rights of voters who are
8 members of a protected class, as defined pursuant to Section 14026.

9 (b) *A district-based election shall not be imposed or applied in*
10 *a manner that impairs the ability of a protected class to elect*
11 *candidates of its choice or its ability to influence the outcome of*
12 *an election, as a result of the dilution or the abridgment of the*
13 *rights of voters who are members of a protected class, as defined*
14 *pursuant to Section 14026.*

15 SEC. 2. Section 14029 of the Elections Code is amended to
16 read:

17 14029. (a) Upon a finding of a violation of *subdivision (a) of*
18 *Section 14027 and Section 14028*, the court shall implement
19 appropriate remedies, including the imposition of district-based
20 elections, that are tailored to remedy the violation.

21 (b) (1) *Upon a finding of a violation of subdivision (b) of*
22 *Section 14027 and Section 14028*, the court shall implement
23 appropriate remedies, as provided in this subdivision, that are
24 tailored to remedy the violation and that are guided in part by the
25 views of the protected class.

26 (2) (A) *If reasonably feasible, the court shall implement, as an*
27 *appropriate remedy under this subdivision, a redistricting plan*
28 *that provides the protected class the opportunity to elect candidates*
29 *of its choice.*

30 (B) *If a redistricting plan under subparagraph (A) is not*
31 *reasonably feasible, the court shall implement, as an appropriate*
32 *remedy under this subdivision, a redistricting plan that provides*
33 *the protected class the opportunity to join with a coalition of*
34 *groups to elect candidates of their choice.*

1 (C) A redistricting plan implemented under this paragraph shall
2 comply with all applicable state and federal laws.

3 (D) In addition to implementing a redistricting plan under this
4 paragraph, a court may implement additional remedies, including
5 the remedies provided in paragraph (3).

6 (3) If a redistricting plan under paragraph (2) is not reasonably
7 feasible, the court shall implement other appropriate remedies,
8 including, but not limited to, increasing the size of the governing
9 body; issuing an injunction to delay an election; or requiring an
10 election to be held on the same day as a statewide election, as
11 provided in Section 1001.

12 (c) This section does not prohibit the parties from settling a
13 dispute arising under this chapter. If the parties agree to settle a
14 dispute, the parties shall consider the remedies provided for in
15 this section when negotiating a settlement agreement.